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APR 19 2002

UNITED STATES DISTRICT COURT

Michael N. Milby, Clerk

Southern

District of

Texas, Houston Division

In re ENRON CORPORATION SECURITIES  
LITIGATION

SUMMONS IN A CIVIL CASE

V.

This Document Relates To:

CASE NUMBER: H-01-3624 (Consolidated)

ALL ACTIONS

TO: (Name and address of Defendant)

Merrill Lynch & Co., Inc.  
250 Vesey Street, #4  
New York, NY 10281

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

ROGER B. GREENBERG  
SCHWARTZ, JUNELL, CAMPBELL & OATHOUT, L.L.P.  
909 FANNIN, SUITE 2000  
HOUSTON, TEXAS 77010  
(713) 752-0017  
FAX: (713) 752-0327

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Mr. Michael N. Milby

April 8, 2002

CLERK

DATE

*Depehia Horace*

(By) DEPUTY CLERK

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

-----X  
**In re ENRON CORPORATION SECURITIES  
LITIGATION,**

Index No. H-01-3624

**AFFIDAVIT OF SERVICE**

**This Document Relates To:**

**MARK NEWBY, et al., Individually and On Behalf  
of All Others Similarly Situated,,  
Plaintiff,**

-against-

**ENRON CORP., et al.,  
Defendants.**

-----X  
STATE OF NEW YORK )  
S.S.:  
COUNTY OF NEW YORK )

ROBERT MILLS, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, D.L.S., INC., and is not a party to this action.

That on the 10<sup>th</sup> day of April 2002, at approximately 12:10 p.m., deponent served a true copy of the **SUMMONS IN A CIVIL CASE AND CLASS ACTION LEAD PLAINTIFF'S APPENDIX OF CERTIFICATIONS IN SUPPORT OF CONSOLIDATED COMPLAINT** upon Merrill Lynch & Co., Inc. at 222 Broadway, New York, NY 10281, by personally delivering and leaving the same with Ethel Lambert, Receptionist, who informed deponent that she is an agent authorized by appointment to receive service at that address.

Ethel Lambert is a black female, approximately 30 years of age, stands approximately 5 feet 8 inches tall, and weighs approximately 135 pounds with black hair and brown eyes.

Robert Mills  
ROBERT MILLS #1004298

Sworn to before me this  
15<sup>th</sup> day of April, 2002

[Signature]  
NOTARY PUBLIC

HOWARD DANIEL GOLDMAN  
Notary Public, State of New York  
No. 31-5062405  
Qualified in New York County  
Certificate filed in New York County  
Commission Expires July 1, 2002